

**REMARKS**

**The Amendments**

Headings, as appropriate for this application, have been added to the specification per the request made in the Office Action. It is noted, however, that the guidelines for arrangement of the specification recited in the Office Action are only suggested and are not mandatory. The headings added here are appropriate for this application even though not all the suggested headings are included.

Claim 1 is amended to incorporate the substance of claim 2 therein.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

**The Rejections Under 35 U.S.C. § 102(b)**

The rejections over the Chan article (Can. J. Chem.), Pavlenko article (Chem. Abs.), Jander article (Chem. Abs.), and Heider (U.S. Patent No. 6,423,454), are believed to be overcome by the above amendment. None of the stated rejections was applied against claim 2. Claim 1 has been amended to incorporate the substance of claim 2 therein. All the claims ultimately depend upon claim 1 and thus all incorporate the substance of original claim 2. None of the reference disclose a compound having a cation as stated in the instant claims. Thus, these rejections under 35 U.S.C. § 102(b) should be withdrawn.

**The Rejection Under 35 U.S.C. § 102(e) Over Heider '454 Patent**

The rejection under 35 U.S.C. § 102(e) over Heider (U.S. Patent No. 6,423,454) also was not applied to claim 2. For the same reasons as stated above, the amendment incorporating claim 2 into claim 1 overcomes this rejection and it should be withdrawn.

**The Rejections Under 35 U.S.C. § 102(e) Over US Patent Publications**

The rejections under 35 U.S.C. § 102(e) over each of US Patent Application Publication Nos. 2002/0001755; 2002/0012850; and 2002/0015884, are traversed on the grounds that these references are not prior art to applicants' claims. Enclosed herewith is a verified translation of applicants' foreign priority document (certified copy was previously submitted). Thereby, applicants claim to priority and benefit of the August 4, 2000, priority date is perfected. The 35 U.S.C. § 102(e) dates of the three US publications are after this date and, thus, they are not prior art. These rejections should be withdrawn.

**The Rejections Under 35 U.S.C. § 103**

The rejections of claim 11 under 35 U.S.C. § 103 are rendered moot by the cancellation of that claim.

**The Obviousness-Type Double Patenting Rejection**


The obviousness-type double patenting rejection of claim 1 over U.S. Patent Application Publication No. 2002/0015884 is believed rendered moot. First, as discussed above, the incorporation of the claim 2 subject matter into claim 1 should also render this rejection moot since it was also not applied against claim 2. The cations in the publication claims are distinct from those of the instant claims. Additionally, since the published

application is not yet patented, this should have been a provisional rejection and a provisional rejection cannot be maintained as the sole rejection holding up allowance of an application. Because all other rejections are believed overcome, for this additional reason the provisional obviousness-type double patenting rejection should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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